

EXHIBIT “2”

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and designated Nevada counsel for Estate of Tabas

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,
Debtor.

USA CAPITAL REALTY ADVISORS, LLC,
Debtor.

USA CAPITAL DIVERSIFIED TRUST DEED FUND,
LLC,
Debtor.

USA CAPITAL FIRST TRUST DEED FUND, LLC,
Debtor.

USA SECURITIES, LLC,
Debtor.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

Chapter 11

**MOTION FOR ORDER
SHORTENING TIME FOR
HEARING ON ESTATE OF
DANIEL TABAS' AND FERTITTA
ENTERPRISES, INC.'S MOTION
FOR RELIEF FROM THE
AUTOMATIC STAY TO
TERMINATE THE LOAN
SERVICING AGREEMENT FOR
THE DIRECT LOAN TO COLT
GATEWAY LLC
(Affects USA CM ONLY)**

Hearing Date:
Hearing Time:

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1 The Estate of Daniel Tabas and Fertitta Enterprises, Inc. ("Movants"), through their
 2 respective counsel, Jonathan J. Bart, Esq., and Janet L. Chubb, Esq., of Jones Vargas filed a
 3 Motion for Relief from the Automatic Stay to Terminate the Loan Servicing Agreement for the
 4 Direct Loan to Colt Gateway LLC ("Motion"). Movants hereby request an order shortening time
 5 for the hearing on its Motion based on the fact the Loan Servicing Agreement was not sold to
 6 Compass, so the liquidating trustee will service it. That transition will take time. Movants would
 7 like to change the servicer while Debtor is still servicing the loan.

8 The motion for relief from the automatic stay is based on the grounds that USA
 9 Commercial has failed to satisfy the terms of its loan servicing agreement or its obligations under
 10 the Nevada Administrative Code. Debtor's past and continuing contractual breaches constitute
 11 cause necessary to terminate the automatic stay in this loan. Movants request this relief from the
 12 automatic stay in order to terminate USA Commercial as the servicing agent the Colt Gateway and
 13 hire a new servicing agent.

14 WHEREFORE, Movants pray for an order shortening time for the hearing on this motion
 15 to a date as soon as possible as is consistent with the Court's calendar.

16 DATED this 17th day of January, 2007.

17 WILENTZ GOLDMAN & SPITZER P.A.

JONES VARGAS

18 //s//Jonathan J. Bart

//s//Louis M. Bubala III

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